

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KINFONG SIT and MEE WAI CHIU,

No. C 12-04864 SI;  
Related Case: No. C 12-05077 SI

Plaintiffs,

v.

**ORDER RE: FURTHER BRIEFING ON  
MOTION TO REMAND**

GENENTECH, INC. TAX REDUCTION  
INVESTMENT PLAN; AYUMI NAKAMOTO;  
and DOES 1 to 20,

Defendants.

Now before the Court is plaintiffs' motion to remand. Defendant Genentech, Inc. Tax Reduction Plan has filed an opposition and plaintiffs have filed a reply. Plaintiffs' motion raises three distinct grounds for remand: (1) remand the entire action to San Mateo County Superior Court because of procedural flaws in defendant's removal; (2) remand only the first cause of action for declaratory judgment as to abandonment to San Mateo County Superior Court and stay the remaining proceedings under the Court's discretionary power to sever the federal claims from the state law claims; or (3) stay all proceedings in this Court, pursuant to the *Colorado River* abstention doctrine, until the San Francisco County Superior Court rules on the issue of abandonment and/or separation in a separate action between the parties currently pending there. *See Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976).

**IT IS SO ORDERED.**

  
SUSAN ILLSTON  
United States District Judge